

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:06-00120

ALEXANDER MARTEL BROWN

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On October 20, 2011, the United States of America appeared by William B. King, II, Assistant United States Attorney, and the defendant, Alexander Martel Brown, appeared in person and by his counsel, Herbert L. Hively, II, for a hearing on the petition on supervised release submitted by Senior United States Probation Officer Greg Swisher, the defendant having commenced a three-year term of supervised release in this action on November 10, 2010, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on December 1, 2006.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant used and possessed cocaine as evidenced by a positive urine specimen submitted by him on December 20, 2010, the defendant having also admitted the use of cocaine to the probation officer; (2) that the defendant failed to submit monthly reports from November 2010 until the filing of the petition on September 14, 2011; (3) that the defendant failed to notify the probation officer at least ten days prior to his change in residence; and (4) that the defendant absconded supervision from early July 2011, until the filing of the petition inasmuch as the probation officer attempted unsuccessfully to locate the defendant utilizing the addresses and telephone numbers provided by the defendant, rendering his whereabouts unknown; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violation if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3553(a), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term of thirty (30) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and


the special condition that he spend a period of six months at Transitions, Inc. and make himself available to the maximum extent feasible for participation in drug abuse counseling and treatment, and follow all rules and regulations of the facility.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to an institution other than FCI Beckley.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: November 16, 2011



John T. Copenhaver, Jr.
United States District Judge